

TODD M. LEVENTHAL, ESQ.
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Attorney for Mr. Davis

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	CR-S-09-078-JCM(RJJ)
Plaintiff,)	
)	
vs.)	
)	
SAMUEL DAVIS, and)	
SHAWN RICE)	
Defendant.)	
_____)	

MOTION FOR A FARETTA HEARING

The Defendant, by and through his attorney of record, Todd M. Leventhal, hereby requests that the court conduct a Faretta hearing regarding the issue of whether Mr. Davis may represent himself in his upcoming trial.

Respectfully Submitted,

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TODD M. LEVENTHAL, ESQ.
Attorney for Mr. Davis

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STATEMENT OF FACTS

Samuel Davis and Shawn Rice were charged with one count of Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. Section 1956(h)-(Count 1) and thirty counts of Money Laundering, in violation of 18 U.S.C. 1956(a)(3)- Counts (2-31). Calendar call in this matter was set for Wednesday June 16, 2010, with Trial commencing on Monday June 21, 2010. At calendar call, the Honorable Judge Mahan ordered that a motion be filed requesting a Faretta Hearing in addition to a Stipulation to continue the trial setting.

POINTS AND AUTHORITIES

The Constitution guarantees every defendant the paramount right to a fair and reliable trial. In contrast to this Fifth Amendment right, the Sixth Amendment guarantees a defendant a right to counsel but also allows him to waive this right and to represent himself *without* counsel. *Faretta v. California*, 422 U.S. 806, 820, 45 L. Ed. 2d 562, 95 S. Ct. 2525 (1975). Like the other procedural guarantees of the Sixth Amendment, the primary purpose of the right to self-representation is to achieve the substantive objective of a fair trial.

A defendant's decision to forgo counsel and instead to defend himself is valid if the request is timely, not for the purposes of delay, unequivocal, and knowing and intelligent. *United States v. Arlt*, 41 F.3d at 519. In order to deem a defendant's *Faretta* waiver knowing and intelligent, the district court must insure that he understands 1) the nature of the charges against him, 2) the possible penalties, and 3) the "dangers and disadvantages of self-representation." *Balough*, 820 F.2d at 1487.

Here, Mr. Davis respectfully requests that a Faretta Hearing take place so that he may proceed in this matter representing himself.

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1 RESPECTFULLY SUBMITTED

2 Dated this 16th day of June 2010

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4 /s/
5 TODD M. LEVENTHAL, ESQ.
6 Attorney for Mr. Davis
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